

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 29 - 44 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 29, 32, 36 and 38 have been amended and claims 31 and 37 have been cancelled without prejudice.

In the office action mailed June 2, 2009, the drawings were objected to as failing to show the step of fully automatically controlling comprising determining a weight and quantity of goods using a weighing device and a device for controlling quality. It is submitted that the drawing requirement is now moot since this subject matter is no longer being claimed.

With regard to the amendment filed May 21, 2009 as being new matter, the first paragraph added to page 8 has been cancelled. It is submitted that no new matter is present in the remaining portions of the amendment. The only things shown in the drawing and discussed in the amendments to the specification are elements which are set forth in the original specification. For example, the original specification in original claim 14 says that the vehicle has an identification means, for example a lamp, for indicating the goods to be removed or activates a compartment indicator. Additional support for this subject matter can also be found on page 3, lines 12 - 20 of the original specification. Thus, the illumination device and the compartment indicator are well supported by original claim 14 and page 3 of the specification. With regard to

the overhead suspended track having a weighing device, support for this can be found on page 4, lines 6 - 13 of the specification. With regard to the vehicle having a protective device, support for this can be found on page 6, lines 3 - 4 of the specification. With regard to the Examiner's comments about location, the various elements have been shown as being in places discussed in the specification. Since the exact locations are not claimed, such as a lamp on the column, there is no issue of new matter. What is shown in the drawings is consistent with the original disclosure. For these reasons, the Examiner is requested to approve the attached sheet of drawings.

The objection to claim 38 is duly noted. Appropriate correction has been made.

Claims 29 - 44 have been rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement and the written description requirement. It is submitted that these rejections are now moot in view of the amendments to claims 29 and 36.

With regard to the rejection of claim 37 on indefiniteness grounds, this rejection is now moot in view of the cancellation of the claim.

Further in said office action, claims 29, 30 and 33 - 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 5,730,252 to Herbinet in view of U.S. patent no. 5,409,342 to Galli; claims 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herbinet in view of Galli and further in view of U.S. patent no. 3,908,800 to Drapeau; claims 29, 30, 33 - 42, and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herbinet in view of U.S. patent no.

4,820,101 to Fenn; claims 31, 32, and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herbinet in view of Fenn and further in view of Drapeau.

The foregoing rejections are traversed by the instant response.

Claim 29 as amended herein is directed to a method for picking up, transferring, and transporting different goods which are located in a store comprising the steps of: providing a rail guide for guiding an electric overhead suspended track provided in storage aisles; providing a vehicle having a column and means for supporting a pallet and lifting goods attached to said column so as to be vertically displaceable along said column; suspending said vehicle from said rail guide so that said vehicle is moveably attached to said rail guide; moving said vehicle to a predetermined pick location under fully automatic control for at least one of picking up and transferring goods at said predetermined pick location; indicating by illumination which goods are to be picked; fully automatically controlling said at least one of picking up and transferring goods using a vehicle control; and said controlling step comprising determining a weight and a quantity of said goods to be picked up or transferred on the vehicle using a weighing of the pallet and the goods thereon.

The Herbinet patent relates to an order preparation method which employs an order picking cart which rolls along the ground. Herbinet lacks the claimed rail guide for guiding an electric overhead suspended track, a vehicle having a column and means for lifting a pallet and supporting goods attached to the column, and any means for

indicating by illumination which goods are to be packed. Still further, Herbinet does not determine a weight and a quantity of goods using a weighing of the pallet and the goods thereon.

Galli shows an automated system for transporting, loading and unloading articles. In the system, a trolley 13 transfers goods from a rotary store to a work area where the goods will be merchandised. The vehicle however does not perform the method of the present invention. While Galli describes providing the trolley with scales for weighing the articles transported, the weighing information is used to prepare coloring agents. Galli does not cure the aforenoted deficiencies of Herbinet. Thus, claim 29 is clearly allowable over the combination of Herbinet and Galli. Galli however does not disclose or suggest determining the quantity of the goods and comparing both weight and quantity to a predetermined weight and quantity as part of the control process.

With respect to the Drapeau reference, it too does not cure the aforenoted deficiencies of Herbinet and Galli.

With respect to the rejection based on Herbinet in view of Fenn, the previous comments about Herbinet are equally applicable here.

Fenn shows an automated storage and retrieval system with a storage retrieval crane designated to store and retrieve only pipes transported in containers at a pipe manufacturing facility. According to Figure 1, the computer 6 is arranged within the store as a stand alone. The weight gauge 302 is part of the crane and provides the computer 6 with information concerning the weight of the whole container. The system of Fenn can only be used with

a single good, namely pipes, having a predetermined shape and weight. There is no relation between the number of pipes encountered by a separate device and the weight of each tube. There is also no control in the relation of the number of tubes and the whole weight and a comparison in order to control whether there are the exact number of tubes in the container. Further, the computer, the weight gauge and the encountering device are not arranged together on a vehicle. Fenn et al. only discloses use of a weight gauge attached at a trolley of the crane. Fenn et al. only derives from the weight information whether the containers have been properly loaded or unloaded. Fenn et al. does not monitor quantity. Further the system of Fenn can not be used in a store used to commission different products and monitor if the right product has been picked up or transferred to the right location.

Fenn lacks any disclosure of the step of providing a vehicle having a column and means for supporting a pallet and lifting goods attached to said column so as to be vertically displaceable along said column and the claimed indicating step.

Thus, Herbinet and Fenn taken together do not render obvious the claimed subject matter.

Drapeau does not cure the aforesaid deficiencies of Herbinet and Fenn.

For these reasons, claim 29 is allowable over the cited and applied references.

Claim 36 is the system version of claim 29 and is allowable for the same reasons as claim 29.

Claims 30, 32 - 35, and 38 - 44 are allowable for the same reasons as their parent claims as well as on their own accord.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

Still further, a petition to revive is enclosed herewith.

The Director is hereby authorized to charge the petition to revive fee in the amount of \$1,620.00 to Deposit Account No. 02-0184. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account No. 02-0184.

Respectfully submitted,  
Jurgen Baumle et al.

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